

## Lee Motion to Lift Stay in GM Bankruptcy

From: **brianna.benfield@weil.com**

Sent: Wed 7/08/09 11:11 AM

To: kimmlaw@msn.com

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Dear Mr. Kimm,

We spoke last week regarding your intent to file a motion for relief from the automatic stay in the GM bankruptcy on behalf of the plaintiffs in Lee v. GM. Yesterday evening, we received notice that you had filed the motion. Your motion states that the current objection deadline is this Friday, July 10th, and that the motion is to be heard Monday, July 13th. Given that we just received the motion, I write to ask if you would be amenable to a more reasonable objection deadline and hearing date. Pursuant to paragraph 26 of the Case Management Order the movant is to confer with any expected adversaries to motions to agree on a briefing schedule. We propose hearing the motion at the August 3rd hearing, with the objection due Wednesday, July 29th. Please let me know if you agree to this briefing schedule.

Thank you,  
Brianna Benfield

Brianna N. Benfield\*  
Weil, Gotshal & Manges LLP  
1300 Eye Street NW, Suite 900  
Washington, DC 20005  
(202) 682-7206 (Direct Phone)  
Brianna.Benfield@weil.com  
www.weil.com

\*Admitted to practice in Virginia only. Practicing under the supervision of members of the D.C. bar.

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## Lee Motion to Lift Stay in GM Bankruptcy

From: **michael kimm** (kimmlaw@msn.com)

Sent: Wed 7/08/09 6:02 PM

To: **brianna.benfield@weil.com**

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Ms. Benfield:

Your date change request is fine. Please file the new date.

michael kimm

Kimm Law Firm 41 Bancker Street Englewood, NJ 07631 USA T:201-569-2880 F:201-569-2881 C:917-670-2060 (MSK) THIS EMAIL MESSAGE IS CONFIDENTIAL AND MAY BE LEGALLY PRIVILEGED. IT IS INTENDED ONLY FOR THE IDENTIFIED RECIPIENT. IF THIS WAS SENT TO YOU IN ERROR, PLEASE LET US KNOW IMMEDIATELY SO THAT WE MAY TAKE CORRECTIVE ACTION. THANK YOU.

---

To: kimmlaw@msn.com

Subject: Lee Motion to Lift Stay in GM Bankruptcy

From: brianna.benfield@weil.com

Date: Wed, 8 Jul 2009 11:11:06 -0400

Dear Mr. Kimm,

We spoke last week regarding your intent to file a motion for relief from the automatic stay in the GM bankruptcy on behalf of the plaintiffs in Lee v. GM. Yesterday evening, we received notice that you had filed the motion. Your motion states that the current objection deadline is this Friday, July 10th, and that the motion is to be heard Monday, July 13th. Given that we just received the motion, I write to ask if you would be amenable to a more reasonable objection deadline and hearing date. Pursuant to paragraph 26 of the Case Management Order the movant is to confer with any expected adversaries to motions to agree on a briefing schedule. We propose hearing the motion at the August 3rd hearing, with the objection due Wednesday, July 29th. Please let me know if you agree to this briefing schedule.

Thank you,  
Brianna Benfield

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## Re: Lee Motion to Lift Stay in GM Bankruptcy

From: **brianna.benfield@weil.com**  
Sent: Thu 7/09/09 3:48 PM  
To: kimmlaw@msn.com  
Attachments:  
GM-Lee Notice of Adjournment.pdf (10.0 KB)

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Mr. Kimm,

Thank you, attached for your reference is the notice of adjournment we filed with the Court this morning to advise it that the new hearing date on the Motion will be August 3rd.

-Brianna

Brianna N. Benfield\*  
Weil, Gotshal & Manges LLP  
1300 Eye Street NW, Suite 900  
Washington, DC 20005  
(202) 682-7206 (Direct Phone)  
Brianna.Benfield@weil.com  
www.weil.com

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michael kimm <kimmlaw@msn.com>  
07/08/2009 06:02 PM

To <brianna.benfield@weil.com>  
cc  
Subject Lee Motion to Lift Stay in GM Bankruptcy

Ms. Benfield:

Your date change request is fine. Please file the new date.

michael kimm

Kimm Law Firm 41 Bancker Street Englewood, NJ 07631 USA T:201-569-2880 F:201-569-2881  
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ACTION. THANK YOU.

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New Hearing Time: August 3, 2009 at 9:00 a.m.

Harvey R. Miller  
Stephen Karotkin  
Joseph H. Smolinsky  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007

Attorneys for Debtors  
and Debtors in Possession

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X		
In re	:	Chapter 11 Case No.
	:	
GENERAL MOTORS CORP., <i>et al.</i> ,	:	09-50026 (REG)
	:	
Debtors.	:	(Jointly Administered)
	:	
-----X		

**NOTICE OF ADJOURNMENT**

PLEASE TAKE NOTICE THAT

The hearing on the Motion of Sang Chul Lee and Dukson Lee for Order Pursuant to Section 362(d) of the Bankruptcy Code, Bankruptcy Rule 4001 and Local Bankruptcy Rule 4001-1 Modifying the Automatic Stay to Allow Continuation of Pre-Petition Litigation (the “**Motion**”), originally scheduled for July 13, 2009 at 9:30 a.m. (Eastern Time) has been adjourned on consent to **August 3, 2009 at 9:00 a.m. (Eastern Time)** (the “**Hearing**”) before the Honorable Robert E. Gerber, United States Bankruptcy Judge, One Bowling Green, Room 621, New York, New York 10004, and such Hearing may be further adjourned from time to time

without further notice other than an announcement at the Hearing.

Dated: July 9, 2009  
New York, New York

/s/ Joseph H. Smolinsky

Harvey R. Miller

Stephen Karotkin

Joseph H. Smolinsky

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, New York 10153

Telephone: (212) 310-8000

Facsimile: (212) 310-8007

Attorneys for Debtors  
and Debtors in Possession

Re: GM Bankruptcy 09-50026

From: **brianna.benfield@weil.com**

Sent: Mon 7/27/09 4:07 PM

To: kimmlaw@msn.com

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Mr. Kimm:

Thank you for your letter. When we file our response to the Lee's Motion to Lift the Stay I will be sure that you are emailed a courtesy copy as well.

I appreciate your patience regarding your request for information relating to Motors Liquidation Company's (f/k/a General Motors Corporation) insurance policies. We continue to seek this information on your behalf, however, the process has been complicated by the recent 363 sale and ongoing transition between old and new GM. I hope to have this information for you shortly.

Regards,  
Brianna Benfield

Brianna N. Benfield\*  
Weil, Gotshal & Manges LLP  
1300 Eye Street NW, Suite 900  
Washington, DC 20005  
(202) 682-7206 (Direct Phone)  
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"michael kimm" <kimmlaw@msn.com>  
07/27/2009 10:16 AM

To "brianna benfield" <brianna.benfield@weil.com>  
cc  
Subject GM Bankruptcy 09-50026

Ms. Benfield:

Please see the attached document.

Thank you.

Kimm Law Firm  
41 Bancker Street  
Englewood, NJ 07631 USA  
T:201-569-2880  
F:201-569-2881  
C:917-670-2060 (MSK)

## RE: GM: Lee Motion to Lift Stay

From: **michael kimm** (kimmlaw@msn.com)  
Sent: Mon 8/10/09 4:09 PM  
To: brianna benfield (brianna.benfield@weil.com)

---

Ms. Benfield

Is GM in a position to make an offer to settle the case?

I have thought about your inquiry and I do not know how to obviate the motion to lift/stay unless we settle, and come to a position in the unsecured creditors' ladder, so to speak.

michael

Kimm Law Firm 41 Bancker Street Englewood, NJ 07631 USA T:201-569-2880 F:201-569-2881 C:917-670-2060  
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---

To: kimmlaw@msn.com  
Subject: GM: Lee Motion to Lift Stay  
From: brianna.benfield@weil.com  
Date: Mon, 10 Aug 2009 15:39:11 -0400

Dear Mr. Kimm,

I just spoke with one of your associates regarding the motion you filed in the GM bankruptcy proceedings to lift the automatic stay to proceed with the Jin Ah Lee litigation in Arizona, however, I thought I would follow-up with an email for your convenience.

I would like to discuss with you if you still want to proceed with litigating the motion given that no insurance is available to cover the Lee's claims. As stated in our opposition papers, any judgment against the Debtor would be a general unsecured claim, and through the bankruptcy claims process we may be able to resolve the claims of the Lee plaintiffs without the need to proceed with trial in Arizona.

I know that you have requested copies of GM's insurance policies, however, the new company, General Motors Company, is in exclusive control of the policies and has refused to produce them. This is because the insurance policies do not kick in until GM is required to pay out any amount over \$35 million. For any liability up to \$35 million, GM is self-insured.

I can be reached via email or the number below if you would like to discuss this matter further.

Thank you,  
Brianna Benfield

Brianna N. Benfield\*  
Weil, Gotshal & Manges LLP

## RE: GM: Lee Motion to Lift Stay

From: **brianna.benfield@weil.com**

Sent: Mon 8/10/09 8:30 PM

To: kimmlaw@msn.com

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Mr. Kimm,

The Debtors are not currently prepared to take any action on the merits of any products liability suits, however, once given the time to evaluate the products liability cases and to establish a claims resolution process, the Debtors may make offers to settle certain cases or submit the cases to some form of alternative dispute resolution process.

Brianna N. Benfield\*  
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www.weil.com

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michael kimm <kimmlaw@msn.com>  
08/10/2009 04:09 PM

To: brianna benfield <brianna.benfield@weil.com>  
cc  
Subject RE: GM: Lee Motion to Lift Stay

Ms. Benfield

Is GM in a position to make an offer to settle the case?

I have thought about your inquiry and I do not know how to obviate the motion to lift/stay unless we settle, and come to a position in the unsecured creditors' ladder, so to speak.

michael

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---

To: kimmlaw@msn.com  
Subject: GM: Lee Motion to Lift Stay



## RE: GM: Lee Motion to Lift Stay

From: **Benfield, Brianna** (brianna.benfield@weil.com)  
Sent: Wed 9/02/09 5:03 PM  
To: michael kimm (kimmlaw@msn.com)

---

Mr. Kimm,

Per your email below, the Debtors would like to make your clients an offer to settle the Lee case. Please call me at your earliest convenience to discuss.

Regards,  
-Brianna

Brianna N. Benfield\*  
Weil, Gotshal & Manges LLP  
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Washington, DC 20005  
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---

**From:** michael kimm [mailto:kimmlaw@msn.com]  
**Sent:** Monday, August 10, 2009 4:10 PM  
**To:** Benfield, Brianna  
**Subject:** RE: GM: Lee Motion to Lift Stay

Ms. Benfield

Is GM in a position to make an offer to settle the case?

I have thought about your inquiry and I do not know how to obviate the motion to lift/stay unless we settle, and come to a position in the unsecured creditors' ladder, so to speak.

michael

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To: kimmlaw@msn.com  
Subject: GM: Lee Motion to Lift Stay  
From: brianna.benfield@weil.com  
Date: Mon, 10 Aug 2009 15:39:11 -0400

## RE: GM: Lee Motion to Lift Stay

From: **michael kimm** (kimmlaw@msn.com)  
Sent: Thu 9/03/09 11:29 AM  
To: brianna benfield (brianna.benfield@weil.com)

---

I am out of the country in Korea. I will call you to discuss either Thursday or Friday; what is the general parameter of offer?

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---

From: brianna.benfield@weil.com  
To: kimmlaw@msn.com  
Date: Wed, 2 Sep 2009 17:03:39 -0400  
Subject: RE: GM: Lee Motion to Lift Stay

Mr. Kimm,

Per your email below, the Debtors would like to make your clients an offer to settle the Lee case. Please call me at your earliest convenience to discuss.

Regards,

-Brianna

Brianna N. Benfield\*

Weil, Gotshal & Manges LLP

1300 Eye Street NW, Suite 900

Washington, DC 20005

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Brianna.Benfield@weil.com